

REMARKS/ARGUMENTS

The present amendment is submitted in response to the Office Action dated May 13, 2003, which set a three-month period for response, making this amendment due by August 13, 2003.

Claims 14-25 are pending in this application.

In the Office Action, acknowledgement was made of the Applicants' claim for foreign priority. Claims 14-17 and 22-23 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,604,329 to Reber ("Reber '329"). Claims 18-19 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Reber '329 in view of U.S. Patent No. 5,423,714 to Lach. Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Reber '329 in view of U.S. Patent No. 5,882,786 to Nassau. Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Reber '329 in view of U.S. Patent No. 5,587,233 to Konig. Claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over Reber '329 in view of U.S. Patent No. 4,725,511 to Reber ("Reber '511").

The Applicants respectfully disagree that the primary reference to Reber '329, whether viewed alone or in the cited combinations, anticipates or renders obvious the present invention as defined in independent claim 14.

An essential difference between the present invention and the cited art is that the body of the present invention, which is the support of the structured material layer 5, does not comprise silicon, rather a natural or synthetic gemstone.

Silicon is not a stone; rather, as a half metal, silicon is a chemical element from

the IV primary group of the periodic system. Silicon is a semi-conductor component, which, as such, must be very pure. Silicon that does not meet the purity requirement for use in semi-conductors is made into jewelry (see, Reber '329, column 3, lines 50-66).

In contrast, the present invention utilizes materials which are not suitable for jewelry manufacture based on their size and/or impurities (see specification, page 1, second paragraph). These materials are used for industrial technical products when no jewelry can be made from these stone materials.

With the present invention, then, the qualities of low-grade stones, such as, for example, CVD diamonds – is improved, such that these stones are then suited for jewelry. This takes place with the material layer that is applied onto the stone. The Applicants respectfully refer the Examiner to the Applicants' previous amendments, in which the composition of the gemstone of the present invention is described in detail, to avoid further repetition here.

In contrast, the jewelry piece described in Reber '329 comprises a silicon base body 10, which cannot be used as a semi-conductor component because of its impurity. As a result, this silicon is a waste product, which is now supplied for a new purpose.

The present invention, however, avoids the use of a stone, which was provided for jewelry purposes, for a technical product, for example a grinding disk provided with diamonds.

The practitioner in the relevant art would receive no teaching from Reber '329 as to the above features of the present invention, since Reber '329 only discloses to the practitioner the use of silicon bodies that are not useable for semi-conductor

manufacture but are suitable for the making of jewelry pieces. With the present invention, however, "low-quality stones" are reassessed, and the originally contemplated use in the area of jewelry manufacture is retained.

Therefore, it is respectfully submitted that the present invention, as defined in claims 14-25, is patentable over the cited references, since the primary reference to Reber '329 fails to disclose or suggest the use of any type of material but a silicon base body. Neither Reber '329 nor any of the remaining references discloses or suggests the use of the natural or synthetic support with the features of the main claim 14.

In light of the foregoing remarks and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,



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